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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,816	02/12/2004	David L. Wiesemann	380201.00006	5692

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/777,816	Applicant(s) WIESEMANN ET AL.	
	Examiner SANG KIM	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/19, 11/9/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "68" has been used to designate both "the hand grip 68" and "a snap-on plastic cap 68". Applicant is advised to correct the specification accordingly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, lines 1-2, "about a center axis relative to its handle," is indefinite and vague. Which handle is applicant referring to? A winder handle or a reel handle?

Claim 5 is indefinite and vague. How is it possible for the winder insert to prevent from rotating in either the first or second direction? What structural element(s) is/are used to prevent the winder insert from rotating in either the first or second direction?

Claims 10-12 are indefinite and vague. What constitutes "socket arrangement"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagy, U.S. Patent No. 5588613.

With respect to claims 1 and 4, Nagy '613 shows a winder insert (10) for a fish tape reel (2) that is rotatable about a center axis (i.e., a rotational axis of the shaft 34) relative to a handle (54 or 40) to wind or unwind fish tape about an inner periphery of the reel (2), wherein the winder (10) engages the reel (2) and has an attachment member (i.e., a shaft 34) engageable by a lever member (a

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lever 14, 16 connected to the handle member 40) to rotate the winder insert (10, i.e., 40, 14, 16, 12) about the center axis, wherein rotation of the winder insert (10) by the lever member (a lever 14, 16 connected to the handle member 40) rotates the reel (2) about the center axis so as to wind or unwind the fish tape about the center axis, see figures 1-5. The winder insert (10) and the reel (2) are connected and driven by the shaft (34), thus rotating either the winder insert (10) or the reel (2) using a handle (54) about the center axis (34) will wind (i.e., a first rotation) or unwind (i.e., a second rotation) the fish tape.

With respect to claims 2 and 6, Nagy '613 shows the attachment member is a shaft (34) rotatably disposed along the center axis within a center opening (an aperture for the shaft) of the winder insert.

With respect to claims 3 and 16, Nagy '613 shows the lever member (14, 16) is removable engageable with the attachment member (34) since these components can be detached.

Claims 1-4, 6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Intengan, U.S. Patent No. 4673143.

With respect to claims 1 and 4, Intengan '143 shows a winder insert (F) for a fish reel (S) that is rotatable about a center axis (i.e., a rotational axis of the sleeve and the shaft 15, 19) relative to a handle (H or C) to wind or unwind fish line about an inner periphery of the reel (S), wherein the winder (F) engages the reel (S) and has an attachment member (i.e., sleeve and shaft 15, 19) engageable by a lever member (a handle H connected to the front wall 10 and

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the hub 11 and releasing the clamping head 38b) to rotate the winder insert (F) about the center axis, wherein rotation of the winder insert (F) by the lever member rotates the reel (S) about the center axis so as to wind or unwind the fish tape about the center axis, see figures 1-4. The winder insert (F) and the reel (S) are connected and driven by the shaft and the sleeve (15, 19), thus rotating either the winder insert (F, when releasing the clamping head) or the reel (S) using a handle (C) about the center axis will wind (i.e., a first rotation) or unwind (i.e., a second rotation) the fish line.

The intended use of the claimed apparatus for a fish tape reel, recited throughout the claims, does not distinguish over the prior art because it relates only to the material loaded on the reel but does not impart or define any particular structural limitations to the claims.

With respect to claims 2 and 6, Intengan '143 shows the attachment member is a shaft (19) rotatably disposed along the center axis within a center opening (an aperture for the shaft) of the winder insert.

With respect to claims 3 and 16, Intengan '143 shows the lever member (a handle H connected to the front wall 10 and the hub 11 and releasing the clamping head 38b) is removable engageable with the attachment member (19) since these components can be detached.

Claims 1-4, 6, 10-12, 16-17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Langsner, U.S. Patent No. 1592030.

With respect to claims 1 and 4, Langsner '030 shows a winder insert (18) for a tape reel (10, 12) that is rotatable about a center axis (i.e., a rotational axis of the drum 34) relative to a handle (28) to wind or unwind tape about an inner periphery (no reference number) of the reel (10, 12), wherein the winder (18) engages the reel (10, 12) and has an attachment member (i.e., the drum 34) engageable by a lever member (24) to rotate the winder insert (18) about the center axis, wherein rotation of the winder insert (18) by the lever member rotates the reel (10,12) about the center axis so as to wind or unwind the tape about the center axis, see figures 1-2.

The intended use of the claimed apparatus for a fish tape reel, recited throughout the claims, does not distinguish over the prior art because it relates only to the material loaded on the reel but does not impart or define any particular structural limitations to the claims.

With respect to claims 2 and 6, Langsner '030 shows the attachment member is a shaft (34) rotatably disposed along the center axis within a center opening (an aperture for the shaft) of the winder insert.

With respect to claims 3 and 16, Langsner '030 shows the lever member (24) is removable engageable with the attachment member (34) since these components can be detached.

With respect to claims 10-12, Langsner '030 show the lever member (24) engages the attachment member (34) with a multi-sided sockets cymmetric about the center axis with a stud (48) engaging it, see figure 2.

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With respect to claim 17, Langsner '030 shows the winder insert has a flange (20) of a dimension perpendicular to the center axis larger than that of the inner periphery of the reel, see figure 2.

With respect to claim 19, Langsner '030 shows a segment of an outer periphery of the winder insert (i.e., an outer portion of the surface 18) is spaced from a corresponding segment of the inner periphery of the reel (i.e., an inner portion of the surface 10, 12) of the reel (10, 12), see figure 2.

With respect to claims 20-21, Langsner '030 shows at least one retainer is a spring tab (30) formed integral and flexible with respect to the winder insert, see figure 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langsner, U.S. Patent No. 1592030.

Langsner '030 shows the winder insert has a flange (20) of a dimension perpendicular to the center axis larger than that of the inner periphery of the reel, but also shows another flange (44) perpendicular to the center axis smaller than that of the inner periphery of the reel.

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Langsner '030 discloses the claimed invention except for disposing the reel between the lever member and the flange, wherein the flange is bigger than the inner periphery of the reel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the size of the flange accordingly in order to retain the reel properly.

Allowable Subject Matter

Claims 7-9 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 22 is allowed.

The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claim 22, including the structural elements recited in lines 1-11, with a clutch disposed along the center axis about the shaft and having an outer surface fixed with respect to the hub, wherein the clutch is engaged by the shaft and when the shaft is rotated in a first rotational direction which thereby rotates the reel in the first rotational direction relative to the reel handle, and wherein the shaft is rotated in a second rotational direction essentially without rotating the clutch in either the first or second rotational directions.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

8/20/05



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